

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ADLIFE MARKETNG & COMMUNICATIONS,  
CO., INC., *Plaintiff*,

v.

C.A. No. \_\_\_\_\_

WINDSTONE BUFFALO CO.,  
*Defendant*.

**COMPLAINT**

**I. JURISDICTION AND VENUE**

1. Plaintiff Adlife Marketing and Communications, Co., Inc., is a Rhode Island company with a principal place of business at 38 Church St., Pawtucket, Rhode Island.

2. Defendant Windstone Buffalo Co. (“Windstone”) is a company with a principal place of business located at 44229 281st Street, Freeman, South Dakota 57029 and with a registered agent Nathaniel Jacob Preheim, 44229 281st Street, Freeman, South Dakota 57029.

3. This Court has subject matter jurisdiction over this suit under the provisions of 28 U.S.C. §§ 1338(a) because this is a civil action arising under an Act of Congress relating to copyrights.

4. This Court has personal jurisdiction over Windstone because it committed the acts and omission of copyright infringement in Massachusetts and purposely availed itself of the forum district. Windstone solicited orders from customers in eastern Massachusetts and, upon information and belief, sold products into eastern Massachusetts.

5. Venue lies properly within this Court under 28 U.S.C. § 1391(b)(2) because this is a district in which the Defendant is doing business with Plaintiff’s photograph via the Internet. Specifically, Windstone solicited orders from customers in eastern Massachusetts and, upon

information and belief, sold products into eastern Massachusetts.

**COUNT ONE**  
**COPYRIGHT INFRINGEMENT**

6. Adlife repeats and incorporates by reference all allegations above and below as if restated here in full.
7. Adlife owns the photo attached as Exhibit 1 hereto ("Photo").
8. The Photo has United States copyright registration number: VA0002009665 issued on July 12, 2016.
9. No later than July, 2016, Windstone took the Photo from Adlife and posted it on Windstone's website <http://www.wsbuffalo.com>.
10. Windstone posted the Photo on the following webpage within Windstone's website:  
[http://www.wsbuffalo.com/store/p65/Chuck\\_Roast%3B\\_at\\_least\\_3\\_lb.html](http://www.wsbuffalo.com/store/p65/Chuck_Roast%3B_at_least_3_lb.html).
11. Windstone took and used Adlife's Photo without Adlife's knowledge or permission.
12. Windstone used the Photo to solicit business and orders in Massachusetts.
13. Upon information and belief, Windstone's use of the Photo helped Windstone secure orders from Massachusetts and Windstone actually secured orders from Massachusetts after Windstone took and started using the Photo.
14. Windstone's unauthorized use of the Photo constitutes copyright infringement in violation of 17 U.S.C. sec. 501 et seq., entitling Adlife to damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Adlife Marketing and Communications, Co., Inc., respectfully prays as follows:

- A. That Defendant be summoned to appear and answer this Complaint;

B. That this Honorable Court enter judgment in favor of Adlife and against Defendant;

C. That this Honorable Court award Adlife actual damages;

D. That this Honorable Court award Adlife consequential damages

E. That this Honorable Court award Adlife liquidated damages;

F. That this Honorable Court award Adlife its attorneys' fees, costs, pre-judgment interest; and

G. For such other and further relief as this Court deems necessary, just and proper.

ADLIFE MARKETNG & COMMUNICATIONS,  
CO., INC.,  
By Its Attorney,

/s/ Chip Muller  
Chip Muller, Esq. (BBO # 672100)  
Muller Law, LLC  
155 South Main Street, Suite 101  
Providence, RI 02903  
(401) 256-5171 (ph.)  
(401) 256-5025 (fax)  
[chip@mullerlaw.com](mailto:chip@mullerlaw.com)

September 7, 2016

Plaintiff Adlife Marketing & Communications, Co., Inc., by and through its attorneys,  
demands a TRIAL BY JURY on all counts so triable.

/s/ Chip Muller  
Chip Muller, Esq. (BBO # 672100)